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MONTANA CONSTITUTIONAL CONVENTION

1971-1972

REPORT OF COMMITTEE ON STYLE, DRAFTING, TRANSITION AND SUBMISSION

ON

LEGISLATIVE - UNICAMERAL AND BICAMERAL

No. III

Date Reported: March 2, 1972

John M. Schultz, Chairman

William S. Burkhardt, Vice Chairman

TO: Montana Constitutional Convention

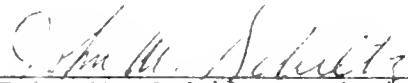
SUBJECT: LEGISLATIVE - UNICAMERAL AND BICAMERAL


Ladies and Gentlemen:

The Committee on Style, Drafting, Transition and Submission transmits revisions of the above Article for consideration of the Convention.

Immediately following this letter you will find the above Article as revised by the Committee. Following that is the Article indicating (by underlining) words we have added and (by crossing out) words we have deleted from the Article as approved. Finally, there is an explanation of the changes we have made.

Sincerely,


John M. Schiltz, Chairman of the
Committee on Style, Drafting,
Transition and Submission


William A. Burkhardt, Vice Chairman
of the Committee on Style, Drafting,
Transition and Submission

BE IT PROPOSED BY THE LEGISLATIVE COMMITTEE:

That there be a new Article on the Legislature to read as follows:

ARTICLE V

THE LEGISLATURE

Section 1. POWER AND STRUCTURE. The legislative power is vested in a legislature of one chamber whose members are designated senators. The people reserve to themselves the powers of initiative and referendum.

Section 2. SIZE. The number of senators shall be provided by law, but it shall not be smaller than 100 nor larger than 105.

Section 3. ELECTION AND TERMS. A senator shall be elected for a term of four years to begin on a date provided by law. One-half of the senators shall be elected every two years.

Section 4. QUALIFICATIONS. A candidate shall be a resident of the state for at least one year next preceding the general election. For six months next preceding the general election, he shall be a resident of the county if it contains one or more districts or of the district if it contains all or parts of more than one county.

Section 5. COMPENSATION. (1) Each senator shall receive compensation for his services and allowances provided by law. No legislature may fix its own compensation.

(2) The legislature shall create a salary commission to recommend compensation for the judiciary and elected members of the legislative and executive departments.

Section 6. SESSIONS. The legislature shall be a

1 continuous body for two-year periods beginning when newly
2 elected senators take office. Any business, bill, or
3 resolution pending at adjournment of a session shall carry
4 over with the same status to any other session of the legis-
5 lature during the biennium. The legislature shall meet at
6 least once a year in regular sessions of not more than 60
7 legislative days. Any legislature may increase the limit on
8 the length of any subsequent session. The legislature may
9 be convened in special sessions by the governor or at the
10 written request of a majority of the senators.

11 Section 7. VACANCIES. A vacancy in the legislature
12 shall be filled by special election for the unexpired term
13 unless otherwise provided by law.

14 Section 8. IMMUNITY. A senator is privileged from
15 arrest during attendance at sessions of the legislature and
16 in going to and returning therefrom, unless apprehended in the
17 commission of a felony or a breach of the peace. He shall
18 not be questioned in any other place for any speech or debate
19 in the legislature.

20 Section 9. DISQUALIFICATION. During the term for which
21 he is elected, a senator shall not hold any civil federal,
22 state, county, or municipal office. This prohibition does
23 not apply to a notary public or a member of the militia.

24 Section 10. ORGANIZATION AND PROCEDURE. (1) The
25 legislature shall judge the election and qualifications of
26 senators. It may vest in the courts the power to try and
27 determine contested elections. It shall choose its officers
28 from among its members, keep a journal, and make rules for its
29 proceedings. It may expel or punish a senator for good
30 cause shown with the concurrence of two-thirds of all the

1 senators.

2 (2) A majority of the senators constitutes a quorum.
3 A smaller number may adjourn from day to day and compel
4 attendance of absent members.

5 (3) The sessions of the legislature and of the committee
6 of the whole, all committee meetings, and all hearings shall
7 be open to the public.

8 (4) The legislature may establish a legislative council
9 and other interim committees.

10 Section 11. BILLS. (1) A law shall be passed by bill
11 which shall not be so altered or amended on its passage through
12 the legislature as to change its original purpose. No bill
13 shall become law except by a vote of the majority of all
14 senators present.

15 (2) Every vote of each senator on each substantive ques-
16 tion in the legislature, in any committee, or in committee of
17 the whole shall be recorded and made public. On final passage,
18 the vote shall be taken by ayes and noes and the names entered
19 on the journal.

20 (3) Each bill, except general appropriation bills and
21 bills for the codification and general revision of the laws,
22 shall contain only one subject, clearly expressed in its title.
23 If any subject is embraced in any act and is not expressed in
24 the title, only so much of the act not so expressed is void.

25 (4) A general appropriation bill shall contain only
26 appropriations for the ordinary expenses of the legislative,
27 executive, and judicial departments, for interest on the public
28 debt, and for public schools. Every other appropriation shall
29 be made by a separate bill containing but one subject.

30 (5) No appropriation shall be made for religious, charitable,

1 industrial, educational, or benevolent purposes to any
2 private individual, private association, or private cor-
3 poration not under control of the state.

4 (6) A law may be challenged on the ground of non-
5 compliance with this section only within two years after
6 its effective date.

7 Section 12. LOCAL AND SPECIAL LEGISLATION. The
8 legislature shall not pass a special or local act when a
9 general act is, or can be made, applicable.

10 Section 13. IMPEACHMENT. (1) The governor, executive
11 officers, heads of state departments, judicial officers, and
12 such other officers as may be made subject to impeachment by
13 law shall be removed from office upon conviction of impeachment.
14 Other proceedings for removal from public office for cause
15 may be provided by law.

16 (2) The legislature shall provide for the manner,
17 procedure, and causes for removal by impeachment and shall
18 provide for a tribunal.

19 (3) Impeachment can be brought only by a two-thirds
20 vote of the legislature. The tribunal hearing the charges
21 shall convict for impeachment only by a vote of two-thirds
22 or more of its members.

23 (4) Conviction shall extend only to removal from office,
24 but the party, whether convicted or acquitted, shall also be
25 liable to prosecution according to law.

26 Section 14. DISTRICTING AND APPORTIONMENT. (1) For
27 the purpose of election, the state shall be divided into as
28 many districts as there are senators. Each district shall
29 consist of compact and contiguous territory. All districts
30 shall be as nearly equal in population as is practicable.

1 (2) In the legislative session following ratification
2 of this constitution and thereafter in each session preceding
3 each federal population census, a commission of five citizens,
4 none of whom may be public officials, shall be selected to
5 prepare a plan for redistricting and reapportioning the
6 state into legislative and congressional districts. The
7 majority and minority leaders of the legislature shall each
8 select two commissioners. Within 20 days after their designa-
9 tion, the four commissioners shall select the fifth member,
10 who shall serve as chairman of the commission. If the four
11 members fail to select the fifth member within the time pro-
12 vided, a majority of the supreme court shall select him.

13 (3) The commission shall submit its plan to the legis-
14 lature at the first regular session after its appointment or
15 after the census figures are available. Within 30 days after
16 submission, the legislature shall return the plan to the
17 commission with its recommendations. Within 30 days there-
18 after, the commission shall file its final plan with the
19 secretary of state and it shall become law. The commission
20 is then dissolved.

21 Section 15. REFERENDUM OF UNICAMERAL LEGISLATURE. (1)
22 In 1980 the secretary of state shall place upon the ballot at
23 the general election the question: "Shall the unicameral
24 legislature form be continued?"

25 (2) If a majority of the qualified electors voting on
26 the question answer in the affirmative, the form shall be
27 continued, and this section shall be of no further effect.

28 (3) If a majority of the qualified electors voting on
29 the question answer in the negative, Article ____ of this Consti-
30 tution is amended by deleting sections 1, 2, 3, 10, 13, and

1 14, and inserting in lieu thereof the following:

2 (a) "Section 1. POWER AND STRUCTURE. The legisla-
3 tive power is vested in a legislature consisting of a senate
4 and a house of representatives. The people reserve to them-
5 selves the powers of initiative and referendum."

6 (b) "Section 2. SIZE. The size of the legislature
7 shall be provided by law, but the senate shall not have more
8 than 53 or fewer than 50 members and the house shall not
9 have more than 106 or fewer than 100 members."

10 (c) "Section 3. ELECTION AND TERMS. A member of the
11 house of representatives shall be elected for a term of two
12 years and a member of the senate for a term of four years,
13 each to begin on a date provided by law. One-half of the
14 senators shall be elected every two years."

15 (d) "Section 10. ORGANIZATION AND PROCEDURE. (1)
16 Each house shall judge the election and qualifications of its
17 members. It may by law vest in the courts the power to try
18 and determine contested elections. Each house shall choose
19 its officers from among its members, keep a journal, and
20 make rules for its proceedings. Each house may expel or
21 punish a member for good cause shown with the concurrence of
22 two-thirds of all its members.

23 "(2) A majority of each house constitutes a quorum. A
24 smaller number may adjourn from day to day and compel attendance
25 of absent members.

26 "(3) The sessions of the legislature and of the committee
27 of the whole, all committee meetings, and all hearings shall
28 be open to the public.

29 "(4) The legislature may establish a legislative council
30 and other interim committees.

1 "(5) Neither house shall, without the consent of the
2 other, adjourn or recess for more than three days or to
3 any place other than that in which the two houses are
4 sitting."

5 (e) "Section 13. IMPEACHMENT. (1) The governor,
6 executive officers, heads of state departments, judicial
7 officers, and such other officers as may be made subject by
8 law shall be removed from office upon conviction of impeach-
9 ment. Other proceedings for removal from public office for
10 cause may be provided by law.

11 "(2) The legislature shall provide for the manner, pro-
12 cedure and causes for removal by impeachment and may select
13 the senate as tribunal.

14 "(3) Impeachment shall be brought only by a two-thirds
15 vote of the house. The tribunal hearing the charges shall
16 convict for impeachment only by a vote of two-thirds or more
17 of its members.

18 "(4) Conviction shall extend only to removal from
19 office, but the party, whether convicted or acquitted,
20 shall also be liable to prosecution according to law."

21 (f) "Section 14. DISTRICTING AND APPORTIONMENT. (1)
22 The state shall be divided into as many districts as there
23 are members of the house, and each district shall elect one
24 representative. Each senate district shall be composed of
25 two adjoining house districts, and shall elect one senator.
26 Each district shall consist of compact and contiguous
27 territory. All districts shall be as nearly equal in popula-
28 tion as is practicable.

29 "(2) In the legislative session following this amend-
30 ment and thereafter in each session preceding each federal

1 population census, a commission of five citizens, none of
2 whom may be public officials, shall be selected to prepare
3 a plan for redistricting and reapportioning the state into
4 legislative and congressional districts. The majority and
5 minority leaders of each house shall each designate one
6 commissioner. Within 20 days after their designation, the
7 four commissioners shall select the fifth member, who shall
8 serve as chairman of the commission. If the four members
9 fail to select the fifth member within the time provided,
10 a majority of the supreme court shall select him.

11 "(3) The commission shall submit its plan to the
12 legislature at the first regular session after its appoint-
13 ment or after the census figures are available. Within 30
14 days after submission, the legislature shall return the
15 plan to the commission with its recommendations. Within
16 30 days thereafter, the commission shall file its final
17 plan with the secretary of state and it shall become law.
18 The commission is then dissolved."

19 (4) The members of the unicameral legislature shall
20 remain in office and their authority to act shall continue
21 until the members of a bicameral body are elected and
22 qualified.

23 (5) The Senate chamber existing upon the date of
24 adoption of this Article shall remain intact until the
25 election provided for in this section has determined whether
26 the unicameral legislature is to continue.

27 (6) When the provisions of this section have been
28 carried out, it shall be of no further effect.

29 Section 16. PROHIBITED PAYMENTS. Except for interest
30 on the public debt, no money shall be paid out of the

1 treasury unless upon an appropriation made by law and a
2 warrant drawn by the proper officer in pursuance thereof.

3 Section 17. CODE OF ETHICS. The legislature shall
4 provide a code of ethics prohibiting conflict between
5 public duty and private interest for senators and all
6 state and local officers and employees.

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1 BE IT PROPOSED BY THE LEGISLATIVE COMMITTEE:

2 That there be a new Article on the Legislature to
3 read as follows:
4

5 ARTICLE V

6 THE LEGISLATURE

7 Section 1. POWER AND STRUCTURE. The legislative power
8 of the state is vested in the a legislature, consisting of
9 one chamber whose members are designated senators. The
10 people reserve to themselves the powers of initiative and
11 referendum.

12 Section 2. SIZE. The number of senators shall be
13 prescribed provided by law, but ~~there it shall not be not~~
14 ~~less smaller~~ than 100 members nor ~~more larger~~ than 105.

15 Section 3. ELECTION AND TERMS OF MEMBERS. A senator
16 shall be elected for a term of four years to begin on a
17 date provided by law. One-half of the senators shall be
18 elected every two years. A senator's term shall begin on a
19 date provided by law.

20 Section 4. QUALIFICATIONS. A candidate for the legis-
21 ~~lature~~ shall be a resident of the state for at least one
22 year next preceding the general election. For six months
23 ~~prior to next preceding~~ the general election, ~~he must shall~~
24 be a resident of the county ~~which if it~~ contains one or more
25 districts, ~~and where a or of the district if it consists~~
26 contains all or parts of more than one county, ~~he must reside~~
27 within that district.

28 Section 5. COMPENSATION. (1) Each member of the
29 legislature senator shall receive compensation for his services
30 and allowances as may be prescribed provided by law. No

1 legislature may fix its own compensation.

2 (2) The legislature shall create A a salary commission
3 shall be created by the legislature to recommend compensa-
4 tion for the judiciary and elected members of the legisla-
5 tive, and executive, and judicial compensation departments.

6 Section 6. SESSIONS. The legislature shall be a
7 continuous body for two-year periods beginning on the date
8 when newly elected members senators take office. Any
9 business, bill, or resolution pending at adjournment of a
10 session shall carry over with the same status to any further
11 other session of the legislature during the biennium. The
12 legislature shall meet at least once a year in regular
13 sessions of not more than 60 legislative days or less. Any
14 legislature may increase the limit on the length of any
15 subsequent session. The legislature may be convened in
16 special sessions by the governor or at the written request
17 of a majority of the members senators.

18 Section 7. VACANCIES. A vacancy in the legislature
19 shall be filled by special election for the unexpired term
20 unless otherwise provided by law.

21 Section 8. IMMUNITY. The members of the legislature
22 shall, in all cases, except felony and breach of the peace,
23 be privileged from arrest during their attendance at the
24 sessions of the legislature, and in going to and returning
25 from the same, and for any speech or debate in the legisla-
26 ture, they shall not be questioned in any other place. A
27 senator is privileged from arrest during attendance at
28 sessions of the legislature and in going to and returning
29 therefrom, unless apprehended in the commission of a felony
30 or a breach of the peace. He shall not be questioned in any

1 other place for any speech or debate in the legislature.

2 Section 9. DISQUALIFICATION. ~~No-senator-or-represen-~~
3 ~~tative-shall;-during-the-term-for-which-he-shall-have-been~~
4 ~~elected;-be-appointed-to-any-civil-office-under-the-state;-and-no~~
5 ~~member-of-congress;-or-other-person-holding-an-office~~
6 ~~-(except-notary-public;-or-in-the-militia)-under-the-United~~
7 ~~States-or-this-state;-shall-be-a-member-of-either-house~~
8 ~~during-his-continuance-in-office;~~ During the term for
9 which he is elected, a senator shall not hold any civil
10 federal, state, county, or municipal office. This prohibi-
11 tion does not apply to a notary public or a member of the
12 militia.

13 Section 10. ORGANIZATION AND PROCEDURE. (1) The
14 legislature shall judge the election and qualifications of
15 its-members senators. and It may ~~by-law~~ vest in the courts
16 the ~~trial-and-determination-of~~ power to try and determine
17 contested elections ~~of-its-members.~~ It shall choose its
18 officers from among its members; keep a journal; and make
19 rules for its proceedings; and It may expel or punish a
20 ~~member~~ senator for good cause shown with the concurrence of
21 two-thirds of all ~~its-members~~ the senators.

22 (2) A majority of the ~~membership-of-the-legislature~~
23 senators constitutes a quorum ~~to-do-business.~~ A smaller
24 number may adjourn from day to day and compel attendance of
25 absent members.

26 (3) The sessions of the legislature; and of the committee
27 of the whole; and all committee meetings; and all hearings shall be
28 open to the public.

29 (4) ~~There-may-be-a-legislative-council-and~~ The legis-
30 lature may establish a legislative council and other interim

1 committees.

2 Section 11. BILLS. (1) A law shall be passed by
3 bill, ~~and a bill~~ which shall not be so altered or amended
4 on its passage through the legislature as to change its
5 original purpose. No bill shall become law except by a
6 vote of the majority of all senators present.

7 (2) ~~The vote of each member of the legislature~~
8 ~~and its committees on any substantive question shall be~~
9 ~~recorded and made public.~~ Every vote of each senator
10 on each substantive question in the legislature, in any
11 committee, or in committee of the whole shall be recorded
12 and made public.

13 (3) ~~No bill shall become law except by a vote of~~
14 ~~the majority of all members present,~~ and ~~on~~ final passage,
15 the vote shall be taken by ayes and noes and the names
16 entered on the journal.

17 ~~{4}~~ (3) Each bill, except general appropriation bills,
18 and bills for the codification and general revision of the
19 laws, shall contain only one subject, ~~which shall be~~ clearly
20 expressed in its title, ~~but if~~ any subject ~~shall be~~
21 is embraced in any act ~~which shall~~ and is not be expressed
22 in the title, ~~such act shall be void only as to~~ so much
23 ~~thereof as shall~~ of the act not be so expressed is void.
24 ~~A law may be challenged on the grounds of non-compliance~~
25 ~~with this section within two years after its effective date~~
26 ~~but not after that period.~~

27 ~~{5}~~ (4) A ~~general~~ appropriation bill~~s~~ shall contain
28 only appropriations for the ordinary expenses of the legis-
29 lative, executive, and judicial departments ~~of the state,~~
30 for interest on the public debt, and for public schools.

1 All Every other appropriations shall be made by a separate
2 bills, each containing but one subject.

3 ~~(6)~~ (5) No appropriation shall be made for religious,
4 charitable, industrial, educational, or benevolent purposes
5 to any private individual, private association, or private
6 corporation not under control of the state.

7 (6) A law may be challenged on the ground of non-
8 compliance with this section only within two years after
9 its effective date.

10 Section 12. LOCAL AND SPECIAL LEGISLATION. The
11 legislature may shall not pass a special or local act when
12 a general act is, or can be made, applicable.

13 Section 13. IMPEACHMENT. (1) The governor, executive
14 officers, heads of state departments, judicial officers,
15 and such other officers as may be made subject to impeachment
16 by law may shall be removed from office upon conviction of
17 impeachment. Other proceedings for removal from public
18 office for cause may be provided by law.

19 (2) The legislature shall provide for the manner,
20 procedure, and causes for removal by impeachment and shall
21 provide for a tribunal.

22 (3) Impeachment can be brought only by a two-thirds
23 vote of the senate legislature. The tribunal hearing the
24 charges shall convict and no conviction for impeachment
25 shall-be-made-except only by a vote of two-thirds or
26 more of the its members of-the-tribunal-hearing-the-charges.

27 (4) Such cConviction shall only extend only to
28 removal from office, but the party, whether convicted or
29 acquitted, shall also be liable to prosecution according
30 to law.

1 Section 14. DISTRICTING AND APPORTIONMENT. (1) For
2 the purpose of ~~electing-members-of-the-legislature,~~ election
3 the state shall be divided into as many districts as there
4 ~~shall-be-members-of-the-legislature~~ are senators. Each
5 legislative district shall consist of compact and contiguous
6 territory. and All districts shall be so as nearly equal
7 in population as is practicable.

8 (2) In the legislative session following ratification
9 of this constitution and thereafter in the each session
10 preceding each federal population census ~~made-by-the~~
11 ~~authority-of-the-United-States,~~ a committee commission of
12 five citizens, none of whom may be public officials, shall
13 be ~~designated~~ selected to ~~draft~~ prepare a plan for re-
14 districting and reapportioning the state into legislative
15 and congressional districts. The majority and minority
16 leaders of the legislature shall each ~~designate~~ select two
17 commissioners. ~~The-four-commissioners,~~ Within 20 days
18 after their designation, the four commissioners shall
19 select the fifth member, who shall serve as chairman of the
20 commission. If the four members fail to select the fifth
21 member within the time provided ~~prescribed~~, a majority
22 of the supreme court shall ~~appoint-the-chairman~~ select him.

23 (3) The ~~appointed~~ commission shall ~~draw-up-a-plan-for~~
24 ~~reapportioning-and-redistricting-legislative-and-congressional~~
25 ~~districts-and~~ submit ~~this~~ its plan to the legislature at
26 the first regular session after ~~ratification-of-this con-~~
27 ~~stitution~~ its appointment or after the census figures are
28 available. Within {30} ~~thirty~~ days after the submission, to
29 ~~it~~ the legislature shall return the plan to the commission
30 with its recommendations. ~~for-change-and-the-commission~~

1 ~~shall w~~Within {30} thirty days thereafter, the commission
2 shall file with the Secretary of State its final plan
3 with the secretary of state and the same it shall become
4 law. ~~After enactment of a valid plan this~~ The commission
5 ~~shall be~~ is then dissolved.

6 Section 15. REFERENDUM OF UNICAMERAL LEGISLATURE.

7 (1) In 1980 the secretary of state shall place upon the
8 ballot at the ~~next following~~ general election the question:
9 "Shall the unicameral legislature form be continued?"

10 (2) If a majority of the qualified electors voting
11 on the question answer in the affirmative, the form shall
12 be continued, and this section shall be of no further
13 effect.

14 (3) If a majority of the qualified electors voting on
15 the question answer in the negative, ~~the provisions of~~
16 ~~Section 17 - "POWER AND STRUCTURE", Section 27 - "SIZE", Section~~
17 ~~37 - "ELECTION AND TERMS OF MEMBERS", Section 107 - "ORGANIZATION~~
18 ~~AND PROCEDURE", Section 147 - "IMPEACHMENT", and Section 157~~
19 ~~"DISTRICTING AND APPORTIONMENT" as set forth in the bicameral~~
20 ~~legislative proposal shall be substituted for Sections 17,~~
21 ~~27, 37, 107, 14 and 15 of this unicameral article and be~~
22 ~~controlling upon the composition of future legislative assemblies.~~
23 Article of this Constitution is amended by deleting
24 sections 1, 2, 3, 10, 13, and 14, and inserting in lieu
25 thereof the following:

26 (a) "Section 1. POWER AND STRUCTURE. The legislative
27 power is vested in a legislature consisting of a senate and
28 a house of representatives. The people reserve to themselves
29 the powers of initiative and referendum."

30 (b) "Section 2. SIZE. The size of the legislature shall

1 be provided by law, but the senate shall not have more than
2 53 or fewer than 50 members and the house shall not have more
3 than 106 or fewer than 100 members."

4 (c) "Section 3. ELECTION AND TERMS. A member of the
5 house of representatives shall be elected for a term of two
6 years and a member of the senate for a term of four years, each
7 to begin on a date provided by law. One-half of the senators
8 shall be elected every two years."

9 (d) "Section 10. ORGANIZATION AND PROCEDURE. (1) Each
10 house shall judge the election and qualifications of its members.
11 It may by law vest in the courts the power to try and determine
12 contested elections. Each house shall choose its officers from
13 among its members, keep a journal, and make rules for its pro-
14 ceedings. Each house may expel or punish a member for good
15 cause shown with the concurrence of two-thirds of all its members.

16 "(2) A majority of each house constitutes a quorum. A
17 smaller number may adjourn from day to day and compel attendance
18 of absent members.

19 "(3) The sessions of the legislature and of the committee
20 of the whole, all committee meetings, and all hearings shall be
21 open to the public.

22 "(4) The legislature may establish a legislative council
23 and other interim committees.

24 "(5) Neither house shall, without the consent of the other,
25 adjourn or recess for more than three days or to any place other
26 than that in which the two houses are sitting."

27 (e) "Section 13. IMPEACHMENT. (1) The governor,
28 executive officers, heads of state departments, judicial
29 officers, and such other officers as may be made subject by
30 law shall be removed from office upon conviction of impeachment.

1 Other proceedings for removal from public office for cause
2 may be provided by law.

3 "(2) The legislature shall provide for the manner,
4 procedure, and causes for removal by impeachment and may
5 select the senate as tribunal.

6 "(3) Impeachment shall be brought only by a two-thirds
7 vote of the house. The tribunal hearing the charges shall
8 convict for impeachment only by a vote of two-thirds or more
9 of its members.

10 "(4) Conviction shall extend only to removal from office,
11 but the party, whether convicted or acquitted, shall also
12 be liable to prosecution according to law."

13 (f) "Section 14. DISTRICTING AND APPORTIONMENT. (1)
14 The state shall be divided into as many districts as there are
15 members of the house, and each district shall elect one
16 representative. Each senate district shall be composed of
17 two adjoining house districts, and shall elect one senator.
18 Each district shall consist of compact and contiguous territory.
19 All districts shall be as nearly equal in population as is
20 practicable.

21 "(2) In the legislative session following this amendment
22 and thereafter in each session preceding each federal popula-
23 tion census, a commission of five citizens, none of whom may
24 be public officials, shall be selected to prepare a plan for
25 redistricting and reapportioning the state into legislative
26 and congressional districts. The majority and minority
27 leaders of each house shall each designate one commissioner.
28 Within 20 days after their designation, the four commissioners
29 shall select the fifth member, who shall serve as chairman of
30 the commission. If the four members fail to select the fifth

1 member within the time provided, a majority of the supreme
2 court shall select him.

3 "(3) The commission shall submit its plan to the legis-
4 lature at the first regular session after its appointment or
5 after the census figures are available. Within 30 days after
6 submission, the legislature shall return the plan to the
7 commission with its recommendations. Within 30 days there-
8 after, the commission shall file its final plan with the
9 secretary of state and it shall become law. The commission is
10 then dissolved."

11 (4) The members of the unicameral legislature shall remain
12 in office and their authority to act shall continue until ~~their~~
13 ~~successors-to~~ the members of a bicameral body ~~can-be~~ are elected
14 and qualified.

15 (5) The ~~present~~ Senate chamber existing upon the date of
16 adoption of this article shall remain intact until ~~such the~~
17 election provided for in this section has determined whether the
18 unicameral legislature is to continued continue.

19 (6) When the provisions of this section have been carried
20 out, it shall be of no further effect.

21 Section 16. PROHIBITED PAYMENTS. Except for interest on
22 the public debt, No money shall be paid out of the treasury
23 except unless upon an appropriations made by law, and ~~on a~~
24 warrant drawn by the proper officer in pursuance thereof, ~~except~~
25 ~~interest-on-the-public-debt.~~

26 Section 17. CODE OF ETHICS. ~~A-code-of-ethics-for-all~~
27 ~~state-and-local-officials,-officers,-legislators,-and-state~~
28 ~~and-local-employees-prohibiting-conflict-between-public-duty~~
29 ~~and-private-interest-shall-be-described-by-law.~~ The legisla-
30 ture shall provide a code of ethics prohibiting conflict

1 between public duty and private interest for senators and all
2 state and local officers and employees.

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Report No. 3 Legislative - (Unicameral)
COMMENTS ON STYLE, FORM, AND GRAMMAR

1 Section 1. Deletion of unnecessary words does not
2 change substance. The addition of "s" to "power" is self-
3 explanatory.

4 Section 2. Grammatical changes do not alter substance.

5 Section 3. Rearrangement does not alter substance.

6 Section 4. As the second sentence came from the Committee
7 of the Whole, it did not require six months' residence in a
8 multi-county district. Because there did not appear to be a
9 substantive reason for the difference, the drafting change
10 does require such residence. Additions concern districts
11 which may consist of only parts of more than one county.

12 Section 5. Here and throughout the rest of the Article,
13 the label "senator" was substituted for "member for the
14 legislature," in order that the unicameral and bicameral
15 alternatives might be separate. Other changes do not alter
16 substance. The second sentence of subsection (1) permits a
17 "carryover" senator to fix his own compensation.

18 Section 6. No change in substance.

19 Section 8. The provision has been rewritten to accord
20 with the treatment of the elector's privilege in section 6,
21 SUFFRAGE AND ELECTIONS. There is no change in substance.

22 Section 9. The rewriting attempts to update style, and
23 to avoid repetition of the phrase "under the stare," the
24 meaning of which is unclear.

25 Section 10. Changes to accomplish clarity and brevity
26 do not affect substance. Addition of "for good cause shown"
27 to the last sentence of subsection (1) clarifies the extent
28 of the power.

29 Section 11. Changes in language and order do not alter
30 substance. The last sentence of subsection (3) becomes

1 subsection (6).

2 Section 12. The verb has been changed to make certain
3 the prohibition.

4 Section 13. The change in verb in subsection (1) makes
5 clear that removal is required. Other changes do not alter
6 substance.

7 Section 14. Line 3: "Commission" was substituted for
8 "committee" because the members are called "commissioners".
9 The language of the proposal in what is now the first sentence
10 of subsection (3) could have been read to require the first
11 commission to report to the session which appointed it. The
12 alteration in language seeks to avoid that construction.

13 Section 15. As it came from Committee of the Whole,
14 subsection (3) attempted to amend the constitution without
15 providing a method or the substantive content of the amendment.
16 The new subsection (3) supplies those omissions but is not
17 a change in substance. Changes in language in other sub-
18 sections do not alter substance.

19 Sections 16 and 17. Titles were added. Rewriting does
20 not alter substance. Both sections will probably be moved
21 to other more appropriate Articles later.
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1 BE IT PROPOSED BY THE LEGISLATIVE COMMITTEE:

2 That there be a new Article on the Legislature to read
3 as follows:

4
5 ARTICLE V
6 THE LEGISLATURE

7 Section 1. POWER AND STRUCTURE. The legislative power
8 is vested in a legislature consisting of a senate and a house
9 of representatives. The people reserve to themselves the
10 powers of initiative and referendum.

11 Section 2. SIZE. The size of the legislature shall be
12 provided by law, but the senate shall not have more than 53
13 or fewer than 50 members and the house shall not have more
14 than 106 or fewer than 100 members.

15 Section 3. ELECTION AND TERMS. A member of the house
16 of representatives shall be elected for a term of two years
17 and a member of the senate for a term of four years each to
18 begin on a date provided by law. One-half of the senators
19 shall be elected every two years.

20 Section 4. QUALIFICATIONS. A candidate for the legis-
21 lature shall be a resident of the state for at least one year
22 next preceding the general election. For six months next
23 preceding the general election, he shall be a resident of the
24 county if it contains one or more districts or of the district
25 if it contains all or parts of more than one county.

26 Section 5. COMPENSATION. (1) Each member of the
27 legislature shall receive compensation for his services and
28 allowances provided by law. No legislature may fix its own
29 compensation.

30 (2) The legislature shall create a salary commission

1 to recommend compensation for the judiciary and elected members
2 of the legislative and executive departments.

3 Section 6. SESSIONS. The legislature shall be a con-
4 tinuous body for two-year periods beginning when newly elected
5 members take office. Any business, bill, or resolution pending
6 at adjournment of a session shall carry over with the same
7 status to any other session of the legislature during the
8 biennium. The legislature shall meet at least once a year in
9 regular session of not more than 60 legislative days. Any
10 legislature may increase the limit on the length of any subse-
11 quent session. The legislature may be convened in special
12 sessions by the governor or at the written request of a majority
13 of the members.

14 Section 7. VACANCIES. A vacancy in the legislature shall
15 be filled by special election for the unexpired term unless
16 otherwise provided by law.

17 Section 8. IMMUNITY. A member of the legislature is
18 privileged from arrest during attendance at sessions of the
19 legislature and in going to and returning therefrom, unless
20 apprehended in the commission of a felony or a breach of the
21 peace. He shall not be questioned in any other place for any
22 speech or debate in the legislature.

23 Section 9. DISQUALIFICATION. During the term for which
24 he is elected, a senator or representative shall not hold any
25 civil federal, state, county, or municipal office. This pro-
26 hibition does not apply to a notary public or a member of the
27 militia.

28 Section 10. ORGANIZATION AND PROCEDURE. (1) Each
29 house shall judge the election and qualifications of its
30 members. It may by law vest in the courts the power to try

1 and determine contested elections. Each house shall choose
2 its officers from among its members, keep a journal, and make
3 rules for its proceedings. Each house may expel or punish
4 a member for good cause shown with the concurrence of two-
5 thirds of all its members.

6 (2) A majority of each house constitutes a quorum. A
7 smaller number may adjourn from day to day and compel attend-
8 ance of absent members.

9 (3) The sessions of the legislature and of the committee
10 of the whole, all committee meetings, and all hearings shall be
11 open to the public.

12 (4) The legislature may establish a legislative council
13 and other interim committees.

14 (5) Neither house shall, without the consent of the
15 other, adjourn or recess for more than three days or to any
16 place other than that in which the two houses are sitting.

17 Section 11. BILLS. (1) A law shall be passed by bill
18 which shall not be so altered or amended on its passage through
19 the legislature as to change its original purpose. No bill shall
20 become law except by a vote of the majority of all members
21 present.

22 (2) Every vote of each member of the legislature on
23 each substantive question in the legislature, in any committee,
24 or in committee of the whole shall be recorded and made public.
25 On final passage, the vote shall be taken by ayes and noes and
26 the names entered on the journal.

27 (3) Each bill, except general appropriation bills and
28 bills for the codification and general revision of the laws,
29 shall contain only one subject, clearly expressed in its title.
30 If any subject is embraced in any act and is not expressed in

1 the title, only so much of the act not so expressed is void.

2 (4) A general appropriation bill shall contain only
3 appropriations for the ordinary expenses of the legislative,
4 executive, and judicial departments, for interest on the
5 public debt, and for public schools. Every other appropria-
6 tion shall be made by a separate bill, containing but one
7 subject.

8 (5) No appropriation shall be made for religious,
9 charitable, industrial, educational, or benevolent purposes
10 to any private individual, private association, or private
11 corporation not under control of the state.

12 (6) A law may be challenged on the ground of non-
13 compliance with this section only within two years after its
14 effective date.

15 Section 12. LOCAL AND SPECIAL LEGISLATION. The
16 legislature shall not pass a special or local act when a
17 general act is, or can be made, applicable.

18 Section 13. IMPEACHMENT. (1) The governor, executive
19 officers, heads of state departments, judicial officers, and
20 such other officers as may be made subject to impeachment by
21 law shall be removed from office upon conviction of impeach-
22 ment. Other proceedings for removal from public office for
23 cause may be provided by law.

24 (2) The legislature shall provide for the manner,
25 procedure, and causes for removal by impeachment and may
26 select the senate as tribunal.

27 (3) Impeachment shall be brought only by a two-thirds vote
28 of the house. The tribunal hearing the charges shall convict for
29 impeachment only by a vote of two-thirds or more of its members.

30 (4) Conviction shall extend only to removal from office,

1 but the party, whether convicted or acquitted, shall also
2 be liable to prosecution according to law.

3 Section 14. DISTRICTING AND APPORTIONMENT. (1) The
4 state shall be divided into as many districts as there are
5 members of the house, and each district shall elect one re-
6 presentative. Each senate district shall be composed of two
7 adjoining house districts, and shall elect one senator. Each
8 district shall consist of compact and contiguous territory.
9 All districts shall be as nearly equal in population as is
10 practicable.

11 (2) In the legislative session following ratification
12 of this constitution and thereafter in each session preceding
13 each federal population census, a commission of five citizens,
14 none of whom may be public officials, shall be selected to
15 prepare a plan for redistricting and reapportioning the state
16 into legislative and congressional districts. The majority
17 and minority leaders of each house shall each designate one
18 commissioner. Within 20 days after their designation, the four
19 commissioners shall select the fifth member, who shall serve
20 as chairman of the commission. If the four members fail to
21 select the fifth member within the time prescribed, a majority
22 of the supreme court shall select him.

23 (3) The commission shall submit its plan to the legisla-
24 ture at the first regular session after its appointment or
25 after the census figures are available. Within 30 days after
26 submission, the legislature shall return the plan to the
27 commission with its recommendations. Within 30 days there-
28 after the commission shall file its final plan with the
29 secretary of state and it shall become law. The commission
30 is then dissolved.

1 Section 15. PROHIBITED PAYMENTS. Except for interest
2 on the public debt, no money shall be paid out of the
3 treasury unless upon an appropriation made by law and a
4 warrant drawn by the proper officer in pursuance thereof.

5 Section 16. CODE OF ETHICS. The legislature shall
6 provide a code of ethics prohibiting conflict between public
7 duty and private interest for senators and all state and
8 local officers and employees.

1 BE IT PROPOSED BY THE LEGISLATIVE COMMITTEE:

2 That there be a new Article on the Legislature to read
3 as follows:

4
5 ARTICLE V

6 THE LEGISLATURE

7 Section 1. POWER AND STRUCTURE. The legislative power
8 ~~of the state~~ is vested in ~~the~~ a legislative assembly legisla-
9 ture consisting of a senate and a house of representatives.
10 The people reserve to themselves the powers of initiative and
11 referendum.

12 Section 2. SIZE. The size of the legislature shall be
13 ~~prescribed~~ provided by law, but the senate shall ~~consist of~~
14 not have more than 53 ~~nor less~~ fewer than 50 members and the
15 house ~~of~~ shall not have more than 106 ~~nor less~~ fewer than 100
16 members.

17 Section 3. ELECTION AND TERMS OF MEMBERS. A member of
18 the house of representatives shall be elected for a term of
19 two years and a member of the senate for a term of four years
20 each to begin on a date provided by law. One-half of the
21 senators shall be elected every two years. ~~The term of the~~
22 ~~members shall begin on a date provided by law.~~

23 Section 4. QUALIFICATIONS. A candidate for the legis-
24 lature shall be a resident of the state for at least one year
25 next preceding the general election. For six months ~~prior to~~
26 next preceding the general election, ~~he must~~ shall be a resi-
27 dent of the county ~~which if it~~ contains one or more districts,
28 ~~and where a~~ or of the district if it consists contains all or
29 parts of more than one county, ~~he must reside within that~~
30 district.

1 Section 5. COMPENSATION. (1) Each member of the
2 legislature shall receive compensation for his services and
3 allowances ~~as may be prescribed~~ provided by law. No legis-
4 lature may fix its own compensation.

5 (2) The legislature shall create A a salary commission
6 ~~shall be created by the legislature~~ to recommend compensation
7 for the judiciary and elected members of the legislative and
8 ~~executive and judicial compensation~~ departments.

9 Section 6. SESSIONS. The legislature shall be a
10 continuous body for two-year periods beginning ~~on the date~~
11 when newly elected members take office. Any business, bill,
12 or resolution pending at adjournment of a session shall carry
13 over with the same status to any ~~further~~ other session of the
14 legislature during the biennium. The legislature shall meet
15 at least once a year in regular sessions of not more than 60
16 legislative days ~~or less~~. Any legislature may increase the
17 limit on the length of any subsequent session. The legislature
18 may be convened in special sessions by the governor, or at the
19 written request of a majority of the members.

20 Section 7. VACANCIES. A vacancy in the legislature
21 shall be filled by special election for the unexpired term
22 unless otherwise provided by law.

23 Section 8. IMMUNITY. ~~The members of the legislature~~
24 ~~shall, in all cases, except felony and breach of the peace,~~
25 ~~be privileged from arrest during their attendance at the~~
26 ~~sessions of the legislature, and in going to and returning~~
27 ~~from the same, and for any speech or debate in the legis-~~
28 ~~lature, they shall not be questioned in any other place.~~
29 A member of the legislature is privileged from arrest during
30 attendance at sessions of the legislature and in going to and

1 returning therefrom, unless apprehended in the commission
2 of a felony or a breach of the peace. He shall not be
3 questioned in any other place for any speech or debate in
4 the legislature.

5 Section 9. DISQUALIFICATION. ~~No senator or repre-~~
6 ~~sentative shall, during the term for which he shall have~~
7 ~~been elected, be appointed to any civil office under the~~
8 ~~state, and no member of congress, or other person holding~~
9 ~~an office (except notary public, or in the militia) under~~
10 ~~the United States or this state, shall be a member of~~
11 ~~either house during his continuance in office.~~ During the
12 term for which he is elected, a senator or representative
13 shall not hold any civil federal, state, county, or munici-
14 pal office. This prohibition does not apply to a notary public
15 or a member of the militia.

16 Section 10. ORGANIZATION AND PROCEDURE. (1) Each
17 house shall judge the election and qualifications of its
18 members, and It may by law vest in the courts the ~~trial and~~
19 ~~determination of~~ power to try and determine contested elections
20 ~~of its members.~~ Each house shall choose its officers from
21 among its members, keep a journal, and make rules for its pro-
22 ceedings, and Each house may expel or punish a member for good
23 cause shown with the concurrence of two-thirds of all its
24 members.

25 (2) A majority of each house constitutes a quorum ~~to do~~
26 ~~business.~~ A smaller number may adjourn from day to day and
27 compel attendance of absent members.

28 (3) The sessions of the legislature, and of the committee
29 of the whole, and all committee meetings, and all hearings shall
30 be open to the public.

1 (4) ~~There may be a legislative council and t~~The legis-
2 lature may establish a legislative council and other interim
3 committees.

4 (5) Neither house shall, without the consent of the
5 other, adjourn or recess for more than three days, nor to any
6 other place other than that in which the two houses ~~shall be~~
7 are sitting.

8 Section 11. BILLS. (1) A law shall be passed by bill,
9 ~~and a bill~~ which shall not be so altered or amended on its
10 passage through the legislature as to change its original
11 purpose. No bill shall become law except by a vote of the
12 majority of all members present.

13 (2) ~~The vote of each member of the legislature and~~
14 ~~its committees on any substantive question shall be recorded~~
15 ~~and made public.~~ Every vote of each member of the legislature
16 on each substantive question in the legislature, in any com-
17 mittee, or in committee of the whole shall be recorded and made
18 public.

19 (3) ~~No bill shall become law except by a vote of~~
20 ~~the majority of all members present, and, e~~On final passage,
21 the vote shall be taken by ayes and noes and the names entered
22 on the journal.

23 (4) (3) Each bill, except general appropriation bills, and
24 bills for the codification and general revision of the laws,
25 shall contain only one subject, ~~which shall be~~ clearly expressed
26 in its title, ~~but if~~ if any subject ~~shall be~~ is embraced in any
27 act ~~which shall~~ and is not be expressed in the title, ~~such act~~
28 ~~shall be void only as to so much thereof as shall of the act~~
29 not be so expressed is void. ~~A law may be challenged on the~~
30 ~~grounds of non-compliance with this section within two years~~

1 ~~after its effective date but not after that period.~~

2 (5) (4) A ~~6~~general appropriation bills shall contain only
3 appropriations for the ordinary expenses of the legislative,
4 executive, and judicial departments ~~of the state~~, for interest
5 on the public debt, and for public schools. ~~All~~ Every other
6 appropriations shall be made by a separate bills, each con-
7 taining but one subject.

8 (6) (5) No appropriation shall be made for religious, chari-
9 table, industrial, educational, or benevolent purposes to any
10 private individual, private association, or private corporation
11 not under control of the state.

12 (6) A law may be challenged on the ground of non-compliance
13 with this section only within two years after its effective date.

14 Section 12. LOCAL AND SPECIAL LEGISLATION. The legislature
15 may shall not pass a special or local act when a general act
16 is, or can be made, applicable.

17 Section 13. IMPEACHMENT. (1) The governor, executive
18 officers, heads of state departments, judicial officers, and
19 such other officers as may be made subject to impeachment by
20 law ~~may~~ shall be removed from office upon conviction of
21 impeachment. Other proceedings for removal from public office
22 for cause may be provided by law.

23 (2) The legislature shall provide for the manner,
24 procedure, and causes for removal by impeachment and may select
25 the senate as tribunal.

26 (3) Impeachment ~~can~~ shall be brought only by a two-thirds
27 vote of the house. ~~and no conviction~~ The tribunal hearing the
28 charges shall convict for impeachment ~~shall be made except only~~
29 by a vote of two-thirds or more of the its members ~~of the tribunal~~
30 ~~hearing the charges.~~

1 (4) ~~Such-e~~Conviction shall ~~only~~ extend only to removal
2 from office, but the party, whether convicted or acquitted,
3 shall also be liable to prosecution according to law.

4 Section 14. DISTRICTING AND APPORTIONMENT. (1) The
5 state shall be divided into as many ~~house~~ districts as there
6 are ~~representatives~~ members of the house, and each district
7 shall elect one representative. Each senate district shall
8 be ~~comprised~~ composed of two adjoining ~~representative~~ house
9 districts, ~~for-the-election-of~~ and shall elect one senator.
10 Every Each legislative district shall consist of compact and
11 contiguous territory. and All districts shall be ~~so~~ as nearly
12 equal in population as is practicable.

13 (2) In the legislative session following ratification
14 of this constitution and thereafter in the each session preceding
15 each federal population census ~~made-by-the-authority-of-the~~
16 United-States, a committee commission of five citizens, none
17 of whom may be public officials, shall be designated-selected
18 to ~~draft~~ prepare a plan for redistricting and reapportioning
19 the state into legislative and congressional districts. The
20 majority and minority leaders of each house shall each designate
21 a one commissioner. ~~The-four-commissioners,-w~~Within 20 days
22 after their designation, the four commissioners shall select
23 the fifth member, who shall serve as chairman of the commission.
24 If the four members fail to select the fifth member within the
25 time prescribed, a majority of the supreme court shall ~~appoint~~
26 ~~the-chairman~~ select him.

27 (3) The appointed commission shall ~~draw-up-a-plan-for~~
28 ~~reapportioning-and-redistricting-legislative-and-congressional~~
29 ~~districts-and~~ submit ~~this~~ its plan to the legislature at the
30 first regular session after ~~ratification-of-this-constitution~~

1 its appointment or after the census figures are available.
2 Within ~~(30)~~ thirty-days after the submission, ~~to-it~~ the
3 legislature shall return the plan to the commission with its
4 recommendations. ~~for change and the commission shall w~~Within
5 ~~(30)~~ thirty days thereafter the commission shall file with the
6 Secretary of State its final plan with the secretary of state
7 and ~~the same~~ it shall become law. ~~After enactment of a valid~~
8 ~~plan this~~ The commission shall be is then dissolved.

9 Section 15. PROHIBITED PAYMENTS. Except for interest
10 on the public debt, ~~N~~o money shall be paid out of the
11 treasury ~~except unless~~ upon an appropriations made by law,
12 and ~~on a~~ warrant drawn by the proper officer in pursuance
13 thereof, ~~except interest on the public debt.~~

14 Section 16. CODE OF ETHICS. A code of ethics for
15 all state and local officials, officers, legislators, and
16 state and local employees prohibiting conflict between
17 public duty and private interest shall be described by law.
18 The legislature shall provide a code of ethics prohibiting
19 conflict between public duty and private interest for senators
20 and all state and local officers and employees.
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Report No. 3 - Legislative - (Bicameral)
COMMENTS ON STYLE, FORM, AND GRAMMAR

1 NB - Only comments which differ from those applied to the
2 UNICAMERAL proposal appear here.
3 Sections 1, 2, 3, 10, 13, and 14. Grammatical changes
4 do not alter substance.

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STATE DOCUMENTS
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(UNICAMERAL)

1 ORDER OF BUSINESS NO. 5 - FINAL CONSIDERATION

2 STYLE AND DRAFTING - LEGISLATIVE - NO. III

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5 ARTICLE _____

6 THE LEGISLATURE

7 Section 1. POWER AND STRUCTURE. The legislative power
8 is vested in a legislature of one chamber whose members are
9 designated senators. The people reserve to themselves the powers
10 of initiative and referendum.

11 Section 2. SIZE. The number of senators shall be
12 provided by law, but it shall not be smaller than 90 nor
13 larger than 105.

14 Section 3. ELECTION AND TERMS. A senator shall be
15 elected for a term of four years to begin on a date provided
16 by law. One-half of the senators shall be elected every two
17 years.

18 Section 4. QUALIFICATIONS. A candidate for the legis-
19 lature shall be a resident of the state for at least one year
20 next preceding the general election. For six months next
21 preceding the general election, he shall be a resident of the
22 county if it contains one or more districts or of the district
23 if it contains all or parts of more than one county.

24 Section 5. COMPENSATION. (1) Each member of the legis-
25 lature shall receive compensation for his services and allowances
26 provided by law. No legislature may fix its own compensation.

27 (2) The legislature shall create a salary commission to
28 recommend compensation for the judiciary and elected members
29 of the legislative and executive departments.

30 Section 6. SESSIONS. The legislature shall be a

1 continuous body for two-year periods beginning when newly
2 elected members take office. Any business, bill, or
3 resolution pending at adjournment of a session shall carry
4 over with the same status to any other session of the legis-
5 lature during the biennium. The legislature shall meet at
6 least once a year in regular sessions of not more than 60
7 legislative days. Any legislature may increase the limit on
8 the length of any subsequent session. The legislature may
9 be convened in special sessions by the governor or at the
10 written request of a majority of the members.

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12 shall be filled by special election for the unexpired term
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15 is privileged from arrest during attendance at sessions of
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18 of the peace. He shall not be questioned in any other place
19 for any speech or debate in the legislature.

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21 lature shall, during the term for which he shall have been
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23 and no member of congress, or other person holding an office
24 (except notary public, or in the militia) under the United
25 States or this state, shall be a member of the legislature
26 during his continuance in office.

27 Section 10. ORGANIZATION AND PROCEDURE. (1) The
28 legislature shall judge the election and qualifications of
29 senators. It may vest by law in the courts the power to
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2 rules for its proceedings. It may expel or punish a senator
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4 all the senators.

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6 A smaller number may adjourn from day to day and compel
7 attendance of absent members.

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9 of the whole, all committee meetings, and all hearings shall
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12 and other interim committees.

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14 which shall not be so altered or amended on its passage through
15 the legislature as to change its original purpose. No bill
16 shall become law except by a vote of the majority of all
17 members present and voting.

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19 tion in the legislature, in any committee, or in committee of
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21 the vote shall be taken by ayes and noes and the names entered
22 on the journal.

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4 industrial, educational, or benevolent purposes to any
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6 poration not under control of the state.

7 (6) A law may be challenged on the ground of non-
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15 such other officers as may be provided by law are subject to
16 impeachment, and upon conviction shall be removed from office.
17 Other proceedings for removal from public office for cause
18 may be provided by law.

19 (2) The legislature shall provide for the manner,
20 procedure, and causes for impeachment and shall provide for
21 a tribunal.

22 (3) Impeachment can be brought only by a two-thirds
23 vote of the legislature. The tribunal hearing the charges
24 shall convict only by a vote of two-thirds or more of its
25 members.

26 (4) Conviction shall extend only to removal from office,
27 but the party, whether convicted or acquitted, shall also be
28 liable to prosecution according to law.

29 Section 14. DISTRICTING AND APPORTIONMENT. (1) The
30 state shall be divided into as many districts as there are

1 senators and each district shall elect one senator. Each
2 district shall consist of compact and contiguous territory.
3 All districts shall be as nearly equal in population as is
4 practicable.

5 (2) In the legislative session following ratification
6 of this constitution and thereafter in each session preceding
7 each federal population census, a commission of five citizens,
8 none of whom may be public officials, shall be selected to
9 prepare a plan for redistricting and reapportioning the
10 state into legislative and congressional districts. The
11 majority and minority leaders of the legislature shall each
12 select two commissioners. Within 20 days after their designa-
13 tion, the four commissioners shall select the fifth member,
14 who shall serve as chairman of the commission. If the four
15 members fail to select the fifth member within the time pro-
16 vided, a majority of the supreme court shall select him.

17 (3) The commission shall submit its plan to the legis-
18 lature at the first regular session after its appointment or
19 after the census figures are available. Within 30 days after
20 submission, the legislature shall return the plan to the
21 commission with its recommendations. Within 30 days there-
22 after, the commission shall file its final plan with the
23 secretary of state and it shall become law. The commission
24 is then dissolved.

25 Section 15. REFERENDUM OF UNICAMERAL LEGISLATURE. (1)
26 In 1980 the secretary of state shall place upon the ballot at
27 the general election the question: "Shall the unicameral
28 legislature form be continued?"

29 (2) If a majority of the qualified electors voting on
30 the question answer in the affirmative, the form shall be

1 continued, and this section shall be of no further effect.

2 (3) If a majority of the qualified electors voting on
3 the question answer in the negative, Article ____ of this Consti-
4 tution is amended by deleting sections 1, 2, 3, 10, 13, and
5 14, and inserting in lieu thereof the following:

6 (a) "Section 1. POWER AND STRUCTURE. The legisla-
7 tive power is vested in a legislature consisting of a senate
8 and a house of representatives. The people reserve to them-
9 selves the powers of initiative and referendum."

10 (b) "Section 2. SIZE. The size of the legislature
11 shall be provided by law, but the senate shall not have more
12 than ~~53~~ 50 or fewer than ~~50~~ 40 members and the house shall not
13 have more than ~~106~~ 100 or fewer than ~~100~~ 80 members."

14 (c) "Section 3. ELECTION AND TERMS. A member of the
15 house of representatives shall be elected for a term of two
16 years and a member of the senate for a term of four years,
17 each to begin on a date provided by law. One-half of the
18 senators shall be elected every two years."

19 (d) "Section 10. ORGANIZATION AND PROCEDURE. (1)
20 Each house shall judge the election and qualifications of its
21 members. It may by law vest in the courts the power to try
22 and determine contested elections. Each house shall choose
23 its officers from among its members, keep a journal, and
24 make rules for its proceedings. Each house may expel or
25 punish a member for good cause shown with the concurrence of
26 two-thirds of all its members.

27 "(2) A majority of each house constitutes a quorum. A
28 smaller number may adjourn from day to day and compel attendance
29 of absent members.

30 "(3) The sessions of the legislature and of the committee

1 of the whole, all committee meetings, and all hearings shall
2 be open to the public.

3 "(4) The legislature may establish a legislative council
4 and other interim committees.

5 "(5) Neither house shall, without the consent of the
6 other, adjourn or recess for more than three days or to
7 any place other than that in which the two houses are
8 sitting."

9 (e) "Section 13. IMPEACHMENT. (1) The governor,
10 executive officers, heads of state departments, judicial
11 officers, and such other officers as may be ~~made subject~~
12 provided by law are subject to impeachment, and upon
13 conviction shall be removed from office ~~upon-conviction-of~~
14 ~~impeachment~~. Other proceedings for removal from public
15 office for cause may be provided by law.

16 "(2) The legislature shall provide for the manner, pro-
17 cedure and causes for ~~removal~~ by impeachment and may select
18 the senate as tribunal.

19 "(3) Impeachment shall be brought only by a two-thirds
20 vote of the house. The tribunal hearing the charges shall
21 convict only by a vote of two-thirds or more of its members.

22 "(4) Conviction shall extend only to removal from
23 office, but the party, whether convicted or acquitted,
24 shall also be liable to prosecution according to law."

25 (f) "Section 14. DISTRICTING AND APPORTIONMENT. (1)
26 The state shall be divided into as many districts as there
27 are members of the house, and each district shall elect one
28 representative. Each senate district shall be composed of
29 two adjoining house districts, and shall elect one senator.
30 Each district shall consist of compact and contiguous

1 territory. All districts shall be as nearly equal in popula-
2 tion as is practicable.

3 "(2) In the legislative session following this amend-
4 ment and thereafter in each session preceding each federal
5 population census, a commission of five citizens, none of
6 whom may be public officials, shall be selected to prepare
7 a plan for redistricting and reapportioning the state into
8 legislative and congressional districts. The majority and
9 minority leaders of each house shall each designate one
10 commissioner. Within 20 days after their designation, the
11 four commissioners shall select the fifth member, who shall
12 serve as chairman of the commission. If the four members
13 fail to select the fifth member within the time provided,
14 a majority of the supreme court shall select him.

15 "(3) The commission shall submit its plan to the
16 legislature at the first regular session after its appoint-
17 ment or after the census figures are available. Within 30
18 days after submission, the legislature shall return the
19 plan to the commission with its recommendations. Within
20 30 days thereafter, the commission shall file its final
21 plan with the secretary of state and it shall become law.
22 The commission is then dissolved."

23 "(4) The members of the unicameral legislature shall
24 remain in office and their authority to act shall continue
25 until the members of a bicameral body are elected and
26 qualified.

27 "(5) The Senate chamber existing upon the date of
28 adoption of this Article shall remain intact until the
29 election provided for in this section has determined whether
30 the unicameral legislature is to continue.

1 (6) When the provisions of this section have been
2 carried out, it shall be of no further effect.

3 Section 16. PROHIBITED PAYMENTS. Except for interest
4 on the public debt, no money shall be paid out of the
5 treasury unless upon an appropriation made by law and a
6 warrant drawn by the proper officer in pursuance thereof.

7 Section 17. CODE OF ETHICS. The legislature shall
8 provide a code of ethics prohibiting conflict between
9 public duty and private interest for members and all
10 state and local officers and employees.

ORDER OF BUSINESS NO. 5-FINAL CONSIDERATION
STYLE AND DRAFTING-LEGISLATIVE-NO. III

ARTICLE ____

THE LEGISLATURE

Section 1. POWER AND STRUCTURE. The legislative power is vested in a legislature consisting of a senate and a house of representatives. The people reserve to themselves the powers of initiative and referendum.

Section 2. SIZE. The size of the legislature shall be provided by law, but the senate shall not have more than 50 or fewer than 40 members and the house shall not have more than 100 or fewer than 80 members.

Section 3. ELECTION AND TERMS. A member of the house of representatives shall be elected for a term of two years and a member of the senate for a term of four years each to begin on a date provided by law. One-half of the senators shall be elected every two years.

Section 4. QUALIFICATIONS. A candidate for the legislature shall be a resident of the state for at least one year next preceding the general election. For six months next preceding the general election, he shall be a resident of the county if it contains one or more districts or of the district if it contains all or parts of more than one county.

Section 5. COMPENSATION. (1) Each member of the legislature shall receive compensation for his services and allowances provided by law. No legislature may fix its own compensation.

(2) The legislature shall create a salary commission

1 to recommend compensation for the judiciary and elected members
2 of the legislative and executive departments.

3 Section 6. SESSIONS. The legislature shall be a con-
4 tinuous body for two-year periods beginning when newly elected
5 members take office. Any business, bill, or resolution pending
6 at adjournment of a session shall carry over with the same
7 status to any other session of the legislature during the
8 biennium. The legislature shall meet at least once a year in
9 regular session of not more than 60 legislative days. Any
10 legislature may increase the limit on the length of any subse-
11 quent session. The legislature may be convened in special
12 sessions by the governor or at the written request of a majority
13 of the members.

14 Section 7. VACANCIES. A vacancy in the legislature shall
15 be filled by special election for the unexpired term unless
16 otherwise provided by law.

17 Section 8. IMMUNITY. A member of the legislature is
18 privileged from arrest during attendance at sessions of the
19 legislature and in going to and returning therefrom, unless
20 apprehended in the commission of a felony or a breach of the
21 peace. He shall not be questioned in any other place for any
22 speech or debate in the legislature.

23 Section 9. DISQUALIFICATION. No ~~senator-or-representa-~~
24 tive member of the legislature shall, during the term for
25 which he shall have been elected, be appointed to any civil
26 office under the state; and no member of congress, or other
27 person holding an office (except notary public, or in the
28 militia) under the United States or this state, shall be a
29 member of ~~either house~~ the legislature during his continuance
30 in office.

1 Section 10. ORGANIZATION AND PROCEDURE. (1) Each
2 house shall judge the election and qualifications of its
3 members. It may by law vest in the courts the power to try
4 and determine contested elections. Each house shall choose
5 its officers from among its members, keep a journal, and make
6 rules for its proceedings. Each house may expel or punish
7 a member for good cause shown with the concurrence of two-
8 thirds of all its members.

9 (2) A majority of each house constitutes a quorum. A
10 smaller number may adjourn from day to day and compel attend-
11 ance of absent members.

12 (3) The sessions of the legislature and of the committee
13 of the whole, all committee meetings, and all hearings shall be
14 open to the public.

15 (4) The legislature may establish a legislative council
16 and other interim committees.

17 (5) Neither house shall, without the consent of the
18 other, adjourn or recess for more than three days or to any
19 place other than that in which the two houses are sitting.

20 Section 11. BILLS. (1) A law shall be passed by bill
21 which shall not be so altered or amended on its passage through
22 the legislature as to change its original purpose. No bill shall
23 become law except by a vote of the majority of all members
24 present and voting.

25 (2) Every vote of each member of the legislature on
26 each substantive question in the legislature, in any committee,
27 or in committee of the whole shall be recorded and made public.
28 On final passage, the vote shall be taken by ayes and noes and
29 the names entered on the journal.

30 (3) Each bill, except general appropriation bills and

1 bills for the codification and general revision of the laws,
2 shall contain only one subject, clearly expressed in its title.
3 If any subject is embraced in any act and is not expressed in
4 the title, only so much of the act not so expressed is void.

5 (4) A general appropriation bill shall contain only
6 appropriations for the ordinary expenses of the legislative,
7 executive, and judicial departments, for interest on the
8 public debt, and for public schools. Every other appropria-
9 tion shall be made by a separate bill, containing but one
10 subject.

11 (5) No appropriation shall be made for religious,
12 charitable, industrial, educational, or benevolent purposes
13 to any private individual, private association, or private
14 corporation not under control of the state.

15 (6) A law may be challenged on the ground of non-
16 compliance with this section only within two years after its
17 effective date.

18 Section 12. LOCAL AND SPECIAL LEGISLATION. The
19 legislature shall not pass a special or local act when a
20 general act is, or can be made, applicable.

21 Section 13. IMPEACHMENT. (1) The governor, executive
22 officers, heads of state departments, judicial officers, and
23 such other officers as may be provided by law are subject to
24 impeachment, and upon conviction shall be removed from office.
25 Other proceedings for removal from public office for cause
26 may be provided by law.

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4 but the party, whether convicted or acquitted, shall also
5 be liable to prosecution according to law.

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7 state shall be divided into as many districts as there are
8 members of the house, and each district shall elect one re-
9 presentative. Each senate district shall be composed of two
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12 All districts shall be as nearly equal in population as is
13 practicable.

14 (2) In the legislative session following ratification
15 of this constitution and thereafter in each session preceding
16 each federal population census, a commission of five citizens,
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19 into legislative and congressional districts. The majority
20 and minority leaders of each house shall each designate one
21 commissioner. Within 20 days after their designation, the four
22 commissioners shall select the fifth member, who shall serve
23 as chairman of the commission. If the four members fail to
24 select the fifth member within the time prescribed, a majority
25 of the supreme court shall select him.

26 (3) The commission shall submit its plan to the legisla-
27 ture at the first regular session after its appointment or
28 after the census figures are available. Within 30 days after
29 submission, the legislature shall return the plan to the com-
30 mission with its recommendations. Within 30 days thereafter,

1 the commission shall file its final plan with the secre-
2 tary of state and it shall become law. The commission
3 is then dissolved.

4 Section 15. PROHIBITED PAYMENTS. Except for interest
5 on the public debt, no money shall be paid out of the
6 treasury unless upon an appropriation made by law and a
7 warrant drawn by the proper officer in pursuance thereof.

8 Section 16. CODE OF ETHICS. The legislature shall
9 provide a code of ethics prohibiting conflict between public
10 duty and private interest for legislators and all state and
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